

REMARKS

Claims 1-36 and 38-47 are pending in this application. By this Amendment, claims 33 and 43 are amended to incorporate the subject matter recited in claim 37. Claim 37 is canceled without prejudice to, or disclaimer of, the subject matter recited therein. No new matter is added. Reconsideration and prompt allowance of the pending claims is respectfully requested, at least in light of the following Remarks.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance; (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-9, 11-16, 19, 21-34 and 38-47 under 35 U.S.C. §103(a) over U.S. Patent No. 4,307,899 to Hoppe in view of "Understanding Halftones" by Arah ("Arah"); and rejects claims 10, 17, 18, 20 and 35-37 under 35 U.S.C. §103(a) over Hoppe in view of Arah, and further in view of U.S. Patent No. 6,089,614 to Howland et al. ("Howland"). The cancellation of claim 37 renders the rejection of claim 37 moot. The rejection of the rest of the claims is respectfully traversed.

A. Claims 1-32, 38-42 and 44-47

Hoppe and Arah either alone or in combination, fail to teach or suggest the features recited in claim 1. For example, Hoppe and Arah either alone or in combination, fail to teach or suggest "having a color and a pattern such that in combination with the first and second

areas, the camouflage pattern renders the image substantially invisible when viewed under reflected light but visible when viewed in transmission," as recited in claim 1.

The Office Action asserts that color layer 8 of Hoppe corresponds to the camouflage pattern of claim 1. Applicant respectfully disagrees with this assertion. For example, color layer 8 of Hoppe is used to create an identification card with hallmarks adapted to be inspected under transmitted and incident (i.e., reflected) light (see Hoppe, col. 2, lines 7-12). For hallmarks and watermarks, the image appears to have lighter and darker shadows in transmitted light, while in incident (i.e., reflected) light, the light/dark effect is reversed (see Hoppe, col. 1, lines 27-33). In other words, the appearance of the watermark image will reverse depending on whether it is viewed in transmitted light or reflected light. Therefore, regardless of whether the image is being viewed in transmitted or reflected light, an image will always appear. Furthermore, Hoppe discloses that when viewed with incident light, areas 10, 11 and 12 of the image (a figure 7) exhibit gray graduations, while area 13 of the image appears white (see Hoppe, col. 4, lines 49-54). Hoppe fails to disclose that the application of color layer 8 renders the image substantially invisible when viewed under reflected light as recited in claim 1. Moreover, color layer 8 of Hoppe is not in the form of a "pattern" but is instead a thin white color layer printed over an entire surface of the substrate (see Hoppe, col. 4, lines 40-42). Thus, color layer 8 of Hoppe does not correspond with the camouflage pattern of claim 1. Arah and Howland fail to remedy this deficiency.

Furthermore, one of ordinary skill would have no reason for making the figure 7 image of Hoppe invisible when viewed under reflected light. As discussed above, Hoppe discloses creating a hallmark, which is intended to create a reversing shadow effect when the light is switched between transmitted and incident light. Making the hallmark invisible under reflected light would destroy the reversing shadow effect because the image would only be

visible under transmitted light. Therefore, Hoppe teaches away from making the image invisible under reflected light.

Claims 38 and 41 also recite this feature. Therefore, claims 38 and 41 are also patentable at least for the reasons discussed above for claim 1 as well as for the additional features claims 38 and 41 recite.

Claims 2-32, 39, 40, 42 and 44-47 depend from claims 1 and 38, respectively. Therefore, those claims are patentable, at least for their dependence from claims 1 and 38 as well as for the additional features those claims recite.

B. Claims 33-36, 38 and 43

Hoppe, Arah and Howland either alone or in combination, fail to teach or suggest the features recited in claim 33. For example, Hoppe, Arah and Howland either alone or in combination, fail to teach or suggest "wherein at least one of the first and second areas defines a discontinuous pattern... wherein the first and second areas are formed from one or more reflective media on a same side of the substrate, wherein the reflective media include printed metallic inks, and wherein the discontinuous pattern and other area(s) being designed such that the image is not visible under reflected light but is visible when viewed in transmission," as recited in claim 33.

As discussed above for claim 1, Hoppe discloses forming a hallmark, which is visible under both transmitted and reflected light. Therefore, Hoppe fails to disclose an image that is not visible under reflected light as recited in claim 33. Furthermore, Hoppe teaches away from making an image that is invisible under reflected light. Thus, Arah and Howland fail to remedy the deficiency of Hoppe because one of ordinary skill in the art would have no reason for modifying Hoppe to make the image substantially invisible under reflected light, as recited in claim 33.

Furthermore, contrary to the Office Action's assertion in the rejection of claim 37, one of ordinary skill in the art would have no reason to modify Hoppe to form an image by utilizing the metallic inks of Howland. In particular, Howland discloses that either the first indicia 7 or the second indicia 9 are not visible under reflected light (see Howland, col. 7, lines 5-13). Howland further discloses that indicia 7 and 9 can be made from metallic inks (see Howland, col. 8, lines 12-15). Therefore, the metallic inks of Howland help facilitate making the indicia 7 and 9 invisible under reflected light. As discussed above, Hoppe teaches away from making an image invisible in reflected light. Therefore, one of ordinary skill would have no reason to modify Hoppe to utilize the metallic inks that facilitate making an image invisible in reflected light because Hoppe teaches away from making an image substantially invisible under reflected light as recited in claim 33.

Claim 43 recites "at least one of the first area and the second area defines an image, the first and second areas are formed from one or more reflective media on a same side of a substrate, wherein the reflective media include printed metallic inks, and the discontinuous pattern and other area(s) being designed such that the image is not visible under reflected light but is visible when viewed in transmission." Therefore, claim 43 is also patentable at least for reasons similar to those discussed above for claim 33, as well as for the additional features claim 43 recites.

Claims 34-36 and 38 depend from independent claim 33. Therefore, those claims are also patentable at least because of their dependence from claim 33, as well as for the additional features those claims recite.

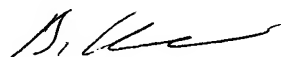
Withdrawal of the rejections is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

Date: March 2, 2010

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